

U.S. Application No. 09/814,693

REMARKS

The Applicant requests reconsideration of the rejection.

Claims 1-24 and 26 are now pending.

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Claim 25 was rejected under 35 U.S.C. §112, first paragraph, as failing to be supported by a written description of "increasing the thickness of an etalon." Noting that claim 25 was not rejected on prior art grounds, the Applicants have amended each of the independent claims to add the subject matter of claim 25, amended to avoid the rejection under the first paragraph of §112. In this regard, the Applicant believes the rejection is grounded in an ambiguous definition for "increasing". More specifically, the Applicant did not intend to claim that the invention is characterized by changing the thickness of an etalon *per se*, but rather that the now-claimed invention is characterized by an etalon that has a thickness that is greater than the thickness of the etalon has generally determined so that the free spectral range of a Fabry-Perot etalon is matched with a channel grid interval of a Wavelength Division Multiplexing optical-fiber communication, as described on page 66, lines 10-14, for example. That is, the Applicant intends the independent claims to be limited by an etalon that is thicker than the etalon that would be determined according to this general principle.

By claiming the etalon to have such a thickness, the present invention employs an etalon that has a narrower free spectral range, so as to eliminate the shifting of the wavelength from the ITU grid due to a temperature dependency of the

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laser. The recognition of this discrepancy, and a solution therefor, are not found in the prior art cited in the Office Action.

In addition, to emphasize this feature of the invention, each of the independent claims has been amended to recite positively that the laser source and the etalon are located on the same Peltier cooler so that the temperature of the laser is changed in accordance with the temperature of the etalon.

In view of the addition of the subject matter of claim 25 to each of the independent claims, the various rejections under 35 U.S.C. §102(b) and §103(a) are believed to be overcome, none of the applied references being seen to teach or fairly suggest this subject matter.

The Applicant's representative requests an office interview at a mutually convenient time to be scheduled in the very near future. The Applicant's representative will telephone the Examiner to set up the interview.

In view of the foregoing amendments and remarks, the Applicant requests reconsideration of the rejection and allowance of the claims.

To the extent necessary, the Applicant petitions for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to

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the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. NIT-272).

Respectfully submitted,

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